

Court of Appeals, State of Michigan

ORDER

People of MI v Archie Gardner King

Docket No. 285939

LC No. 07-012016

Helene N. White
Presiding Judge

Michael J. Talbot

Karen M. Fort Hood
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court VACATES the December 5, 2007 judgment of sentence and REMANDS this case for resentencing within the statutory sentencing guidelines range. In the event the sentencing court departs from such range, the court must state on the record substantial and compelling reasons to justify its departure. See *People v Babcock*, 469 Mich 247; 666 NW2d 231 (2003).

We do not retain jurisdiction.

Judge Talbot would DENY the delayed application for leave to appeal.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 30 2008

Date

Sandra Schultz Mengel
Chief Clerk